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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,208	07/19/2001	Noboru Murabayashi	450100-03354	9748

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EXAMINER	
DUNN, MISHAWN N	

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/909,208	MURABAYASHI, NOBORU	
	Examiner	Art Unit	
	Mishawn N. Dunn	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 July 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-20 rejected under 35 U.S.C. 102(e) as being anticipated by Shimazaki et al. (US Pat. No. 6,160,950).

3. Consider claim 1. Shimazaki et al. teaches an information signal processing apparatus comprising: first information signal reading means for receiving or reading a predetermined first information signal (col. 5, lines 54-55; fig. 5); second information signal reading means for receiving, detecting, or reading a second information signal which includes attribute information regarding the first information signal (col. 5, lines 55-58; fig. 5); and characteristic detecting means for detecting a predetermined characteristic of the first information signal from said first information signal reading

means in accordance with a signal received or read by said second information signal reading means (col. 6, lines 38-43).

4. Consider claims 2 and 5. Shimazaki et al. teaches that the first information signal comprises a video or audio broadcast program signal (col. 7, lines 22-26; fig. 8).

5. Consider claim 3. Shimazaki et al. teaches that the second information signal comprises a program information signal of a broadcast program (col. 7, lines 28-37; fig. 8).

6. Consider claim 4. Shimazaki et al. teaches an information signal processing apparatus comprising: first information signal reading means for receiving or reading a first information signal which comprises at least one information signal (col. 5, lines 54-55; fig. 5); second information signal reading means for receiving, detecting, or reading a second information signal which includes an attribute of the first information signal (col. 5, lines 55-58; fig. 5); characteristic detecting means for detecting a predetermined characteristic of the first information signal from said first information signal reading means in accordance with a signal received or read by said second information signal reading means (col. 6, lines 38-43); and reading control means for controlling reading of the first information signal in accordance with a detection signal from said characteristic detecting means and a signal from said second information signal reading means (col. 6, line 48 – col.7, line 8).

7. Consider claims 6 and 18. Shimazaki et al. teaches that the attribute of the first information signal comprises an information signal which describes the outline or

content of the first information signal or classification of information (col. 7, lines 11-21; fig 7).

8. Consider claims 7 and 19. Shimazaki et al. teaches that the characteristic comprises a characteristic used to detect a point that has predetermined similarity or a point, which appears to be a climax of a predetermined period of time (col. 6, lines 38-43; fig. 7).

9. Note to Applicant: The USPTO considers the Applicant's "or" language to be anticipated by any reference containg on of the subsequent corresponding elements. Consider claims 8 and 20. Shimazaki et al. teaches that the reading control means reads a point in the first information signal which has predetermined similarity (col. 6, lines 38-43; fig. 7).

10. Consider claim 9. Shimazaki et al. teaches that when it is determined based on the second information signal that the first information signal comprises a predetermined signal, said reading control means performs reading by at least varying the length of a predetermined reading section (col. 6, lines 48-60).

11. Consider claim 16. Shimazaki et al. teaches an information signal recording apparatus, comprising: information detecting means for detecting predetermined information in a first information signal, based on a second information signal which includes an attribute of the first information signal (col. 5, lines 54-58; fig. 5); characteristic detecting means for detecting a predetermined characteristic of the first information signal in accordance with a detection signal from said information detecting means (col. 6, lines 38-43); identification signal generating means for generating a

predetermined identification signal based on a detection signal from said characteristic detecting means and the second information signal (col. 6, lines 48-60); and recording means for recording the first information signal and the identification signal as predetermined recording signals on a predetermined recording medium (col. 6, lines 23-25; fig. 6).

12. Consider claim 17. Shimazaki et al. teaches that the first information signal comprises a broadcast program, which includes at least an audio signal or a video signal (col. 5, lines 54-55).

13. Method claims 10-15 are rejected for the same reasons discussed in the corresponding apparatus claims above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mishawn N. Dunn whose telephone number is 571-272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mishawn Dunn
November 17, 2005

James J. Groody
Supervisory Patent Examiner
Art Unit 262~~2~~ 2616